

**PLAINTIFF'S
EXHIBIT NO. 21
(03.07.17 HEARING)**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

LIGURIA FOODS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:14-CV-03041-MWB
)	
GRIFFITH LABORATORIES, INC.,)	
)	
Defendant.)	
STATE OF ILLINOIS)	
)	SS.
COUNTY OF LEE)	

AFFIDAVIT OF STANLEY J. SEAVEY

I, STANLEY J. SEAVEY, being first duly sworn, depose and state as follows:

1. I have personal knowledge regarding the facts and circumstances stated herein, and if called to do so, am competent to testify to the matters stated herein.
2. I was the sole Member of Process Quality Consulting, LLC, and served as a consultant to the manufacturers of dry sausages.
3. During the year 2012, I was contacted by Jehan Saulnier, the CEO of Liguria Foods, Inc. ("Liguria") to visit Liguria's facility in Humboldt, Iowa.
4. Between approximately September 11 through September 14, 2012, I was hired by Liguria to inspect its dry rooms and other aspects of its operations, and compensated only for that limited period and purpose. I was not hired again by Liguria and never visited its facility again.
5. I visited Liguria with Prem Singh ("Singh"), a technical support representative with Vista International Packaging, LLC ("Vista"), who was also reviewing Liguria's dry rooms.
6. Vista supplied Liguria with the casing for its dried sausage products.

7. Approximately five (5) months later, in early February, 2013, I received an email from Singh who asked me to provide input to Jim Whitham ("Whitham"), Quality Control Director of Liguria, regarding discolored, oxidized pepperoni.

8. In early February, 2013, I provided Singh and Whitham my input regarding the possible causes for the discoloration and oxidation of the pepperoni.

9. On or about February 20, 2013, I provided my input to Whitham regarding the antioxidants in the pepperoni seasoning supplied by Griffith Laboratories, Inc. ("Griffith"), to Liguria.

10. I informed Whitham that "[t]he antioxidants are typically oil based and thus work in to the fat where they need to be to do their work. It would be good to verify that Griffith is using an oil-based carrier to not only mix and distribute the antioxidants better but to also assure adequate suspension with the paprika oleoresins. As the O/R paprika blends with the meat, so does the antioxidant." A true and accurate copy of my email of February 20, 2013, to Whitham, is attached hereto as Exhibit A.

11. I did not visit Liguria's facility in early February, 2013, or thereafter, to perform any investigation of the causes of the discolored and oxidized pepperoni.

12. Liguria never hired or employed me to perform an investigation regarding the causes of the discoloration of the pepperoni in February, 2013, or at any other time.

13. I never entered into any written contract with Liguria to perform an investigation regarding the causes of the discoloration of the pepperoni in February, 2013, or at any other time.

14. It is very common for me to informally receive questions from meat producers regarding issues that arise in their practices, including to discuss possible causes of oxidation.

15. My communications with Liguria in February, 2013 regarding possible causes for the discoloration of its pepperoni was informal and I did not charge Liguria for my informal input, which I provided as a courtesy, as I normally would to other meat producers.

16. Under penalties as provided by law, I certify that the statements made in this Affidavit are true and correct.



Subscribed and Sworn to before me
this 11th day of January, 2017.

Brenna Chapman
Notary Public

FURTHER AFFIANT SAYETH NOT.

Stanley J. Seavey
STANLEY J. SEAVEY

EXHIBIT A

From: Stan Seavey
Sent: Wednesday, February 20, 2013 3:51 PM
To: JWhitham@liguriafoods.com
Subject: Re: A good question for you.

Jim,

The 10mm pre-grind should be no problem at all, in fact, larger pre-grinds (up to 1") are often used with this process. As you point out there is mixing within the mixer as well as the final grind steps. Even the stuffer offers additional mixing to some degree. The antioxidants are typically oil-based and thus work into the fat where they need to be to do their work. It would be good to verify that Griffith is using an oil-based carrier to not only mix and distribute the antioxidants better but to also assure adequate suspension with the paprika oleoresins. As the O/R paprika blends with the meat, so does the antioxidant.

Also, this pre-grind process is now common with all your products, is it not? I presume your thought process is that perhaps now you may have less insurance in the process compared to before, but I don't think the pre-grind is an issue. It is possible to get 6 months or more frozen shelf life using this process, without BHA, and BHT, given fresh raw materials, use of rosemary, no dry rework, and sound manufacturing practices to minimize greasing, light exposure, temperature fluctuations., etc.

One additional thought, I don't think there is an issue here, but excessive showering with water during or after processing can also contribute to premature rancidity. I'm talking about excessive rinsing to remove grease, excessive showering prior to peeling, that kind of thing. Is there a high iron content in your water or is it softened? A longshot but something else to keep in your thought process. Also, high drying temperatures such as 65-70 deg. can be problematic at times as soft pork fat renders easily, but I don't think you are using any temperatures in that range at this point.

Stan

From: JWhitham@liguriafoods.com
Sent: Wednesday, February 20, 2013 3:00 PM
To: sjseavey@grics.net
Subject: A good question for you.

Stan:

In the present Formulation we pre-grind all the raw material to 10mm then mix these meats in the 34' auger then into the mixer and then add the dry ingredients along with the culture and then mix.

Before we made the design change to the Formulation the raw material was going through a 2.5-2.8mm plate first and then the dry ingredients and culture was added and mixed.

Could not the difference between the past 2.8mm size of raw material verses the now 10mm size of raw material be a possible issue with the spice (anti-oxidants) not being evenly distributed throughout the product?
I know it goes through a final plate of 2.2mm but the difference between 10mm and 2.8mm frozen raw material coverage with the dry ingredients could lead to uneven distribution of the dry ingredients?

Let me know your thoughts.

I am narrowing it down to the level of anti-oxidants in the spice and the difference in the size of the raw material as to how well the larger diameter absorbs verse the old 2/3 smaller size?

Jim Whitham
Director of Quality Control
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